

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 PORTLAND DIVISION

4 SEAN COLBY HOARD,)

5 Plaintiff,)

Case No. 2:13-cv-02161-BR

6 v.)

January 8, 2019

7 SNAKE RIVER CORRECTIONAL)
8 INSTITUTION, et al.)

9 Defendant.)

Portland, Oregon

10
11
12
13 SHOW CAUSE HEARING

14 TRANSCRIPT OF PROCEEDINGS

15 BEFORE THE HONORABLE ANNA J. BROWN

16 UNITED STATES DISTRICT COURT SENIOR JUDGE
17
18
19
20
21
22
23
24
25

APPEARANCES

FOR THE DEFENDANT(S) :

ANDREW D. HALLMAN
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301

COURT REPORTER: Jill L. Jessup, CSR, RMR, RDR, CRR, CRC
United States District Courthouse
1000 SW Third Avenue, Room 301
Portland, OR 97204
(503) 326-8191

* * *

TRANSCRIPT OF PROCEEDINGS

(January 8, 2019)

(In open court:)

THE COURT: Good morning, Mr. Hallman.

MR. HALLMAN: Good morning, Judge.

THE COURT: We're here in the matter of Hoard against Hartman and others, which is Civil No. 13-02161. This matter was tried to a jury, resulted in a defense verdict that was overturned on appeal. A mandate was issued. The matter was back before the Court. But counsel who had represented the plaintiff, Mr. Hoard, on appeal, withdrew. The defendant then -- defendants then filed a motion for an order for plaintiff to appear and show cause why the matter should not be dismissed for his failure to prosecute. I issued that order and directed that the plaintiff file on or before December 28 a current address with the Court. I also included in that order a direction to defendant -- defendants to ensure service on the plaintiff by registered mail at the plaintiff's mother's address and to send a copy of the order to plaintiff's prior trial counsel and appellate counsel and probation officer.

Mr. Hallman is here on behalf of defendants. Today is the time set for the plaintiff to appear and show cause why the matter should not be dismissed.

Mr. Hallman, can you update this record with respect to the efforts made to notify Mr. Hoard of his duty to report

1 today?

2 MR. HALLMAN: Thank you, Your Honor. The initial
3 order to show cause -- or motion for order to show cause
4 demonstrates my efforts to contact both his probation officer
5 and then -- the only one I was able to actually contact was
6 plaintiff's mother, and I did speak with her, who said she
7 would get a message to Mr. Hoard. To date, I have not had any
8 contact with Mr. Hoard. The last attempts we made was pursuant
9 to the Court's order where we mailed the order to show cause to
10 all the prior counsel, probation officer, and then certified
11 mail to plaintiff's mother's address, and then filed a
12 certificate of service at Docket 154.

13 Since that time, we have not heard anything from
14 Mr. Hoard.

15 THE COURT: All right. Then pursuant to the order to
16 show cause and the showing made just now and in the record, I'm
17 dismissing this matter for lack of prosecution and dismissing
18 it with prejudice.

19 MR. HALLMAN: Thank you, Your Honor.

20 THE COURT: Thank you. We are off the record.

21 (Hearing concluded.)
22
23
24
25

C E R T I F I C A T E

Sean Colby Hoard

v.

Snake River Correctional Institution, et al.

2:13-cv-02161-BR

SHOW CAUSE HEARING

January 8, 2019

I certify, by signing below, that the foregoing is a true and correct transcript of the record, taken by stenographic means, of the proceedings in the above-entitled cause. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

/s/Jill L. Jessup, CSR, RMR, RDR, CRR, CRC

Official Court Reporter
Oregon CSR No. 98-0346

Signature Date: 10/21/19
CSR Expiration Date: 9/30/20